

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
NORTHERN DIVISION**

**AMERICAN MODERN SELECT
INSURANCE COMPANY,**

Plaintiff,

vs.

**MARY ANN WITHERSPOON and
TERRIE WITHERSPOON
BLEDSON,**

Defendants

CIVIL ACTION NO. 12-0502-CG-N

ORDER

After due and proper consideration of all portions of this file deemed relevant to the issues raised, and there having been no objections filed, the Report and Recommendation of the Magistrate Judge made under 28 U.S.C. § 636(b)(1)(B) and dated November 20, 2012, is **ADOPTED** as the opinion of this Court and it is **ORDERED** that defendant's motion to dismiss this declaratory judgment action (doc. 25) be and is hereby **GRANTED** and that this action be and is hereby **DISMISSED without prejudice.**

DONE and ORDERED this 13th day of December, 2012.

/s/ Callie V. S. Granade
UNITED STATES DISTRICT JUDGE